INSURANCE—CLAUSE AGAINST SANE OR INSANE SUICIDE—RECOVERY BY BENEFICIARY WHERE INSURED WAS TOO INSANE TO REALIZE THE CONSEQUENCES OF HIS ACT.—An insurance policy contained a clause exempting the insurance company from liability for death by sane or insane suicide. The insured committed suicide while so insane that he did not know he was taking his life. *Held,* that the beneficiary could recover. *Columbian Nat. Life Ins. Co. v. Wood* (1921, Ky.) 236 S. W. 562.

The generally accepted rule is that a clause exempting the insurer from liability in case the insured dies by suicide, either sane or insane, is a valid limitation of the liability of the insurer and renders the policy voidable if the insured takes his own life. 7 Ann. Cas. 659, note. The majority of courts apply this rule regardless of the degree or character of the insanity. *De Gogorza v. Knickerbocker Life Ins. Co.* (1875) 65 N. Y. 232; *Clarke v. Equitable Life Assur. Soc.* (1902, C. C. A. 4th) 118 Fed. 374.

INTOXICATING LIQUORS—REVENUE PENALTY FOR FAILURE TO DECLARE.—A revenue statute imposed a penalty to the value of the merchandise imported on any "goods, wares, or chattels" not declared in the manifest. Act of March 2, 1799 (1 Stat. at L. 646). The defendant brought in some intoxicating liquors in his ship, and failed to declare it in his manifest. *Held,* that he was not liable for the penalty, since liquor is no longer "merchandise" in a legal sense. *United States v. Hana* (1921, C. C. A. 9th) 276 Fed. 817.

This section was originally designed to prevent the fraudulent diminution of the revenue income of the government from property which is the *lawful* subject of import and export. See *United States v. Sischo* (1921, C. C. A. 9th) 270 Fed. 958, 960. The court very properly effectuated this purpose by its interpretation in the instant case. In so doing it also very logically refused to permit the government to treat intoxicating liquor as property as against any "owner" or dealer, who no longer himself has any property rights in the liquor as against the government. COMMENTS (1921) 31 YALE LAW JOURNAL, 305, note 12. Apparently the law is refusing to consider liquor as "property" for any purpose except to punish crime,—and sometimes not even then. *People v. Spencer* (1921, Calif. App.) 201 Pac. 130; (1921) 31 YALE LAW JOURNAL, 309.

LIMITATION OF ACTION—EFFECT OF STATUTES OF LIMITATION UPON EXISTING RIGHTS OF ACTION.—The legislature of Louisiana enacted a statute which provided that any action to annul a land patent must be brought within six years of the issuance of such patent, or within six years from the date of the act. La. Gen. Sts. 1912, ch. 62. The plaintiff sued after the six-year period had elapsed, claiming that the statute could have no effect upon an existing right. *Held,* that the statute was valid. *Atchafalaya Land Co. Ltd. v. Williams Cypress Co. Ltd.* (March 13, 1922) U. S. Sup. Ct. Oct. Term, 1921, No. 106.

It is well settled that a statute of limitations applies to rights of action at the time it is passed. The situation is the same whether the statute creates a limitation where none existed before, or whether it changes one already established. *Terry v. Anderson* (1877) 95 U. S. 628. A reasonable period must be allowed, however, for the prosecution of existing causes of action. 21 L. R. A. (N. S.) 157, note.

MASTER AND SERVANT—LIABILITY OF OWNER OF AUTOMOBILE FOR SON'S NEGLIGENT DRIVING.— The defendant's son, the only licensed driver in the family, while on business of his own, negligently drove his father's automobile against the plaintiff's buggy, injuring the plaintiff's wife. The plaintiff sued the father. *Held,* that the defendant was not liable as a matter of law. *Whitelock v. Dennis* (1921, Md.) 116 Atl. 68.

There is considerable conflict in the cases dealing with the question of whether an owner of an automobile, kept for family use, is liable for the negligent driving of the car by a member of the family. According to the familiar doctrine of the "family automobile," the owner is liable for the negligent management and operation of the car by any member of the family for pleasure and convenience. The rule may be based either upon the principle of *respondeat superior* or upon the "dangerous instrumentality" doctrine. The first basis is of course fictitious, and the second has been generally repudiated, though it was adopted in a recent Florida decision. *Southern Cotton Oil Co. v. Anderson* (1920, Fla.) 86 So. 629. See (1920) 5 MINN. L. REV. 322. As a general rule the owner should perhaps be liable, but it seems more satisfactory to base his liability upon his having entrusted a dangerous instrumentality to a negligent person than upon the fiction of master and servant. For a discussion, see (1920) 29 YALE LAW JOURNAL, 467; (1917) 26 *ibid.* 327, 621; NOTES (1920) 19 MICH. L. REV. 543; NOTES (1915) 28 HARV. L. REV. 91; see also *Baldwin v. Parsons* (1922, Iowa) 186 N. W. 665.

PROXIMATE CAUSE—DAMAGES RECOVERABLE FOR AGGRAVATION OF INJURY.—The plaintiff, whose leg was fractured as a result of the defendant's negligence, was directed by his physician to use a crutch during the period of convalescence. The crutch accidentally slipped, causing the plaintiff to fall and injure his leg again at the same place. In an action for damages, the trial court admitted evidence of the second fracture. *Held,* that the evidence was properly admitted. *Wagner v. Mittendorf* (1922) 232 N. Y. 481.

The basis of the decision was that the second injury was a proximate consequence of the defendant's negligence, since the plaintiff was obeying his doctor's instructions. Likewise, the negligence of a competent physician employed by the plaintiff to treat his injuries does not constitute an intervening cause. *Smith v. Kansas City Ry.* (1921, Mo. App.) 232 S. W. 261. It is well settled that a person who has been injured as a result of another's negligence has no right to recover additional damages for an aggravation of the original injury unless he makes a reasonable effort to prevent such an aggravation. *Hartnett v. Tripp* (1918) 231 Mass. 382, 121 N. E. 17; *Hoseth v. Preston Mill Co.* (1908) 49 Wash. 682, 96 Pac. 423. See also (1921) 31 YALE LAW JOURNAL, 102. For the application of the doctrine of proximate cause to workmen's compensation acts, where the question is whether an aggravated injury arises "out of and in the course of" the employment, see (1920) 6 VA. L. REG. 712; (1918) 3 MINN. L. REV. 123; see also COMMENTS, *supra* p. 768.

TRADE UNIONS—ANTI-TRUST LAWS—PICKETING THEATRE BECAUSE OWNER OPERATES MACHINE HIMSELF.—The plaintiff, owner of a motion picture theatre, desired to reduce expenses by operating his motion picture machine himself. The defendant union then published the theatre as "unfair" and placed a picket in front of the theatre. The plaintiff sought an injunction against the picketing and other acts of the defendant. *Held,* that the State Anti-Trust Act applied and that an injunction should be granted. *Campbell v. Motion Picture Machine Operators* (1922, Minn.) 186 N. W. 781.

Had the case been decided on common-law principles, the court would doubtless have followed its previous decision. *Roraback v. Motion Picture Machine Operators' Union* (1918) 140 Minn. 481, 168 N. W. 766. On the same facts, an injunction was granted. In the instant case, however, the court used a different means of reaching the same result. The court held that the Sherman Act and the State Anti-Trust Act were virtually the same and then accepted the United States Supreme Court's interpretation of the Sherman Act. *Duplex Printing Co. v. Deering* (1921) 254 U. S. 443, 41 Sup. Ct. 172; *Truax v. Corrigan* (1921) 42